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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

TEMSA ULASIM ARACLARI SANAYI VE
TICARET A.S.,

Plaintiff,

vs.

TC NEVADA, LLC, MICHAEL
HAGGERTY, JOHN P. HAGGERTY, and
OLGA F. HAGGERTY

Defendants.

CASE NO.: 2:18-cv-01738-APG-EJY

**STIPULATION TO EXTEND
DISCOVERY DEADLINES**

(FOURTH REQUEST)

The parties, by and through their undersigned counsel hereby file their Stipulation to Extend Discovery pursuant to Local Rule 26-4. The parties stipulate and agree to extend certain deadlines in this case from the dates set forth in the operative Discovery Plan and Scheduling Order (ECF No. 67, filed March 14, 2023).

The parties state as follows:

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I. Introduction

This case commenced in 2018. However, it was stayed for nearly three years while other suits across the country involving Plaintiff Temsa and some of the motorcoaches which are the subject of this case continued to resolution. ECF No. 49. On February 27, 2023, the stay was lifted, leading the parties to file a Stipulated Discovery Plan. ECF 65, 66. On March 14, 2023, this Court issued a Scheduling Order, which in relevant part, states that the initial expert deadline is July 17, 2023. ECF 67. This Stipulation seeks to extend the initial expert deadline and all deadlines thereafter for 90 approximately days.

II. Discovery Completed

- (a) Plaintiff served its Initial Disclosures on January 25, 2019;
- (b) Defendants served their Initial Disclosures on January 25, 2019;
- (c) Defendants served their First Supplement to Initial Disclosures on March 19, 2019;
- (d) Defendants served their First Set of Interrogatories and First Set of Requests for Production of Documents on March 19, 2019;
- (e) Plaintiff served its First Set of Interrogatories and First Set of Requests for Production of Documents on April 9, 2019;
- (f) Plaintiff served its Responses to Defendants' First Set of Interrogatories and First Set of Requests for Production of Documents on May 22, 2019;
- (g) Plaintiff served its First Supplement to Initial Disclosures on May 22, 2019;
- (h) Defendants served their Second Supplement to Initial Disclosures on June 14 2019;
- (i) Defendants served their Responses to Plaintiff's First Set of Interrogatories and First Set of Requests for Production of Documents on 23 June 19;
- (j) Defendant John P. Haggerty served his Second Set of Interrogatories, First Set of Request for Admissions, and First Set of Requests for Production of Documents to Plaintiff on July 19, 2019;
- (k) Defendants served their Third Supplement to Initial Disclosures on July 19, 2019;

(l) Defendants served their Fourth Supplement to Initial Disclosures on July 26, 2019;

(m) Plaintiff served its Responses to John P. Haggerty's Second Set of Interrogatories, First Set of Request for Admissions, and First Set of Requests for Production of Documents to Plaintiff on October 8, 2019;

(n) Defendant John P. Haggerty served his Second Set of Request for Admissions and Second Set of Requests for Production of Documents to

(o) Defendants served their Fifth Supplement to Initial Disclosures on November 14, 2019;

(p) Plaintiff served its responses to John P. Haggerty's Request for Admissions and Second Set of Request for Production of Documents on December 2, 2019;

(q) John P. Haggerty served his Third Set of Request for Production of Documents on March 20, 2023;

(r) Plaintiff served its responses to John P. Haggerty's Third Set of Request for Production of Documents on April 19, 2023; and

(s) Defendants served their Sixth Supplement to Initial Disclosures on May 31, 2023.

III. Discovery that Remains to be Completed

(a) Depositions of all parties and third-party witnesses.

(b) Discovery of documents in the possession, custody or control of

(c) Any additional written discovery.

(d) Expert witness disclosures.

(e) Depositions of experts.

IV. Reasons discovery is not completed.

Good cause exists to extend the deadline by 90 days as the parties have in good faith sought to work through discovery issues. As discussed above, this instant case was stayed for almost three years while other case were resolved, some having completed their own separate discovery. To pair down and ascertain the parties' current position since the initial written discovery was completed, Defendants sought supplementation and

clarification, and followed up with additional requests for productions and a meet and confer that occurred on May 15, 2023.

Plaintiff is working on supplementing its discovery responses and disclosure of witnesses and documents. However, the process has been slower than anticipated due to several earthquakes that occurred in the Plaintiff's country of origin, Turkey.

As a result of the meet and confer, the parties agreed for Defendants to amend their answers to add an affirmative defense. ECF 69. Defendants have diligently proceeded with discovery, filing amended answers and serving a Sixth Supplemental Disclosure of Witnesses and Documents. ECF 70, 71, 72, 73.

The parties submit that given the amount of time that has passed since the initial filing of the complaint and since the last substantive discovery was completed, it is imperative to understand whether the parties' respective positions about the facts and issues of the case have changed before making an initial expert disclosure.

The parties submit that it is more efficient for experts to review case materials and case issues at once, rather than piecemeal with supplements. The parties believe a 90-day extension is necessary for them to work out their discovery issues so that their experts can have all of the facts and issues before placing their opinions in a report.

V. Proposed deadlines.

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|-----------------------------|-------------------|
| Initial Expert Disclosures | October 13, 2023 |
| Rebuttal Expert Disclosures | November 13, 2023 |
| Close of Discovery | December 13, 2023 |
| Dispositive Motions | January 12, 2024 |
| Joint Pretrial Order | February 12, 2024 |

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VI. Conclusion

Based on the foregoing, the parties respectfully request that this Court issue an Order extending discovery as set forth above.

IT IS SO STIPULATED.

Dated this 7th day of July, 2023.

KAEMPFER CROWELL

By: /s/ Ryan M. Lower

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Dated this 7th day of July, 2023.

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Attorneys for Defendants

IT IS SO ORDERED.


UNITED STATES MAGISTRATE JUDGE

Dated: July 10, 2023